

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

IN RE THE MATTER OF THE )  
APPOINTMENT OF FULL-TIME )  
MAGISTRATE JUDGES )

2 : 06MC3326-MEF

O R D E R

Two vacancies exist in the office of United States Magistrate Judge, effective October 31, 2006 and December 31, 2006, respectively, due to the resignations of Hon. Vanzetta McPherson and Hon. Delores Boyd, making it necessary for this Court to appoint two new Magistrate Judges. Each of the appointments will be for a full eight-year term beginning upon appointment. The United States Magistrate Judges Act, 28 U.S.C. §§ 641, *et seq.*, and regulations issued pursuant to the Act by the United States Judicial Conference, require that a merit selection panel comprised of lawyers and nonlawyers be appointed to review all applicants for the position of Magistrate Judge and report to the Court their findings as to which applicants the panel finds most qualified to serve. Public notice of the vacancies and the process for application is required. Accordingly, it is

ORDERED that the Clerk of the Court cause to be published in *The Montgomery Advertiser*, *The Dothan Eagle*, and *The Opelika-Auburn News*, all daily newspapers in general circulation in the Middle District of Alabama, an appropriate monthly publication of the Alabama Bar Association, the *Alabama Lawyer Association Newsletter*, the *Montgomery County Bar Association Newsletter*, and to mail to members of the Board of Bar Commissioners of the Alabama State Bar and presidents of local bar associations in the State of Alabama, and to electronically transmit by CM/ECF to all registered users the following notice:

Two vacancies exist and the United States District Court for the Middle District of Alabama is authorized to fill these vacancies by the appointment of two full-time United States magistrate judges for the Middle District of Alabama at Montgomery, Alabama. The duties of the position are demanding and wide-ranging and include but are not limited to: (1) conduct of most preliminary proceedings, resolution of dispositive motions and conduct of FED.R.CRIM.P. 11 proceedings in felony criminal cases; (2) trial and/or disposition of misdemeanor and petty offense criminal cases; (3) trial and/or disposition of civil cases including the majority of Social Security appeals upon consent of the litigants; (4) conduct of various pretrial and evidentiary proceedings on referral from the district judges of the court; (5) review, conduct evidentiary proceedings as necessary and

recommend disposition of prisoner civil rights and habeas cases; and (6) conduct of mediations.

The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636. To be qualified for appointment an applicant must

- (1) Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least 5 years (with some substitutes authorized);
- (2) Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
- (3) Be less than seventy years old; and
- (4) Not be related to a judge of the district court.

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the ten (10) persons it considers best qualified for the two vacancies. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. An affirmative effort will be made to give due consideration to all qualified applicants, including women and members of minority groups. The current annual salary of the position is \$151,984.00 . The term of office is eight (8) years.

Application forms and more information on the magistrate judge position in this court may be obtained from the Clerk of the District Court:

Debra P. Hackett, Clerk  
United States District Court  
P.O. Box 711  
Montgomery, AL 36101-0711

(334) 954-3616

The application form is also available on the court's Internet website at

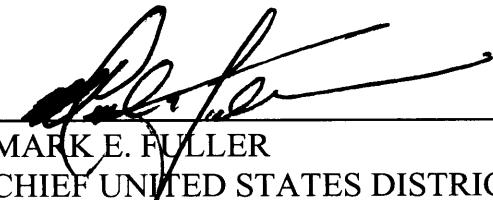
[http://www.almd.uscourts.gov/.](http://www.almd.uscourts.gov/)

Applications must be submitted only by applicants personally and must be received by July 21, 2006 .

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel's deliberations will remain confidential.

The Clerk of the Court is DIRECTED to provide of copy of this order to the Magistrate Judge Division of the Administrative Office of the United States Courts.

Done this 20<sup>th</sup> day of June, 2006.

  
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MARK E. FULLER  
CHIEF UNITED STATES DISTRICT JUDGE

  
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MYRON H. THOMPSON  
UNITED STATES DISTRICT JUDGE

  
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W. KEITH WATKINS  
UNITED STATES DISTRICT JUDGE